

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LINARES "LEE" SMITH and)	
FREDERICK SMITH,)	
)	
Plaintiffs,)	
)	
vs.)	CIVIL ACTION NUMBER:
)	2:06-cv-918- ID
)	JURY DEMAND
)	
BIG 10 TIRES, INC.,)	
)	
Defendant.)	

MOTION TO WITHDRAW

COMES NOW, Benjamin J. De Gweck, one of the attorneys of record for the Plaintiffs in the above styled action and moves to withdraw as counsel of record. As grounds for this Motion, counsel states the following:

1. As of March 9, 2007 Benjamin J. De Gweck will no longer be associated with the firm Wiggins, Childs, Quinn & Pantazis. Rocco Calamusa, Jr., who is already counsel of record in the case, will continue to represent the plaintiff in the above styled case.
2. The plaintiff will not be prejudiced by the withdrawal of Benjamin J. DeGweck, nor will the withdrawal cause delay.

WHEREFORE, PREMISES CONSIDERED, Benjamin J. De Gweck prays that this Court will grant his Motion to Withdraw as counsel for the plaintiffs in this case.

Respectfully Submitted,

/s/Benjamin J. DeGweck
Benjamin J. DeGweck
Rocco Calamusa, Jr.
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

William C. Tidwell, III
Hand Arendall, LLC
3000 AmSouth Bank Building
107 Saint Francis Street
Mobile, Alabama 36602

This the 2nd day of March, 2007.

/s/Benjamin J. DeGweck
OF COUNSEL